

**MINUTES
TOWN OF KENT PLANNING BOARD
OCTOBER 8, 2020
FINAL ADOPTED MINUTES**

Due to the Corona virus the Planning Board held their October 8, 2020 meeting via Zoom.

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Phil Tolmach, Chairman of the Town of Kent Planning Board.

The following Planning Board members participated from their respective homes, as did the Planning Board consultants for the October Monthly meeting via Zoom:

Planning Board Members:

Philip Tolmach, Chairman	Dennis Lowes, Vice Chairman
Simon Carey	Giancarlo Gattucci
Nisim Sachakov	Stephen Wilhelm
Charles Sisto	

Absent:

Jamie McGlasson, Liaison	Chris Ruthven, Liaison
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Others in Attendance:

Liz Axelson, Planner	Julie Mangarillo, Engineer Consultant
Bruce Barber, Environmental Consultant	Bill Walters, Building Inspector

- Mr. Tolmach opened the meeting with the Pledge of Allegiance.
- Mr. Tolmach asked each of the Board members to identify themselves to the audience and state that they were alone in their residences participating in the meeting, which they did.
- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the September 10, 2020 meeting. The motion was made by Dennis Lowes and seconded by Nisim Sachakov. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Fregosi/Marinelli Property, Miller Hill Road, Kent, NY; TM: 10-1-17**

This Public Hearing was held over from the October meeting. Brianna Marinelli and Joseph Fregosi participated on the Zoom call. This application was for approval of plans to construct a single family

- Mr. Tolmach asked for a motion to re-open the Public Hearing for this project. The motion was made by Simon Carey and seconded by Stephen Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Ms. Mangarillo's Comments (memo attached).

Ms. Mangarillo said updated information was submitted and most of the corrections were made by Mr. Frederiksen. The remaining comments were on the top of her memo. One item was certification of Professional Engineer. Another question regarding the topography drawing. She said that the topo on the engineer's drawing was from 1984 and the note was changed, but was still not clear. The note needs to be fixed and the engineer may call Ms. Mangarillo or send her an email (#4 on the note). Ms. Martinelli said she would handle that. Ms. Mangarillo also said that she was requesting a time-frame for each step of the construction sequence. Clearer information needs to be placed on the drawings for the homeowner's information as to how to inspect, operate and maintain drywells and other stormwater systems. Another catch basin needs to be installed at the intersection of two pipes – one at the edge of the driveway and the other where the gutter and footing drains. The size of the pipes and slopes need to be shown on the drawings. Mr. Fregosi said that the footing drains don't go into the leader drains and is separate. If there are two pipes that also needs to be clarified on the drawing. An Erosion Control Bond Estimate in the amount of \$12,650.00 and Ms. Mangarillo recommended that this bond be approved by the Planning Board and forwarded to the town Board for acceptance. The homeowner or the engineer needs to submit a memo for the next meeting showing where notes have been added and/or revised. Ms. Mangarillo said that this project was in good shape since the last meeting. Mr. Fregosi stated that the soil test results approved by the Board of Health also were submitted – the Planning Board secretary said she would check this out. Ms. Mangarillo said that drywells were not required by the DEC threshold in the limits of disturbance and a note had been added to the plans suggesting that soil testing could be done during construction and that if the drywells needed to be moved approval from the Town of Kent needed to be done before relocating it.

Mr. Barber's Comments (memo attached)

Mr. Barber said that, since the last meeting, the wetlands lines and boundaries have been updated on the latest drawings and he has verified that the boundary is accurate pursuant to Chapter 39A of the Town Code. There will not be any disturbance within the wetland or 100' wetland buffer so a Town of Kent Wetland Permit is not required. The wetland buffer should be marked in the field with boulders prior to the issuance of the Certificate of Occupancy in order to prevent future encroachments. This is a state wetland and a note on the plan suggested that the Wetland Delineation was done by the State on May 15, 2010 and that date was prior to the submittal of the application to the Planning Board and Mr. Barber suggested that the applicant check with the DEC to see if everything was in order. The delineation is usually good for 10 years. A tree survey waiver was requested by the applicant and Mr. Barber felt that most of the trees were second growth and small material and no trees were going to be cut in the wetlands or the wetland buffer area, therefore Mr. Barber recommended that the Tree Survey Waiver be granted. A note needed to be added to the plans indicating that trees would only be cut from November 1, 2020 through March 31, 2021. Well and septic system approvals from the Board of Health were submitted. The applicant submitted a copy of the deed, but a copy of the maintenance agreement for the common driveway was requested if not already submitted. Mr. Barber advised the Planning Board that, if Ms. Mangarillo agreed, this project be moved to the administrative track. The soil testing requested was for any areas where any proposed infiltration structures were to be constructed. Mr. Barber and Ms. Mangarillo recommended that the bond be accepted, this be moved to the administrative track and that the Tree Survey Waiver be granted. Mr. Lowes asked if the driveway issues were resolved and Ms. Mangarillo said that she asked that the engineer submit new drawings which would reflect the changes. Mr. Lowes asked Mr. & Mrs. Marinelli if the Title Company was accurate and reflected the encumbrances on this property. Ms. Mangarillo and Mr. & Mrs. Marinelli said that the deed submitted was up to date.

Ms. Axelson's Comments

Ms. Axelson had no comments pertaining to this application.

Mr. Tolmach asked if anyone in the audience wished to be heard regarding this project and no one responded.

- Mr. Tolmach asked for a motion to accept the Erosion Control Bond in the amount of \$12,650.00 and inspection fee of \$1,000.00 and to forward it to the Town Board when it was submitted to the Planning Board office. The motion was made by Giancarlo Gattucci and seconded by Stephen Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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- Mr. Tolmach asked for a motion to grant the Tree Survey Waiver request and to move this project to an administrative track. The motion was made by Simon Carey and seconded by Stephen Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Nisim Sachakov	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

- Mr. Tolmach asked for a motion to close the Public Hearing on this project. The motion was made by Dennis Lowes and seconded by Stephen Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Nisim Sachakov	<u>Aye</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Fregosi asked what next steps had to be done prior to going to the Building Inspector. Ms. Mangarillo advised Mr. Fregosi to submit the bond, which would be submitted to the Town Board and that when it was approved by the Town Board the drawings would be signed and outstanding items needed to be addressed and then Mr Fregosi could go to the Building Department to apply for a building permit.

• **Kent Development - Commercial Lot & Timber Harvest, N. Horsepound & Peckslip Rds.,
Kent, NY; TM: 12.-1-38 & 42
Public Hearing**

Ms. Jamie LoGuidice of Insite Engineering represented the applicant, Mr. Esposito who was also on the call.

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Simon Carey and seconded by Stephen Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Ms. LoGuidice shared her drawings on screen for the Board and the public. The two properties are a large residential parcel on Peckslip Road and Route 52 and a commercial parcel on North Horsepound Road. Approvals were requested for:

- An Erosion Control Permit
- A Special Use Permit
- A lot line adjustment
- Site Plan
- Wetlands Permit

The lot line adjustment pertains to an area between the two parcels .88 acres from the residential to the commercial property to allow for the development. The site is constrained due to wetlands and steep slopes. The commercial property has one access area to get on the parcel on the southern corner at a 9.5% slope and propose asphalt millings because the DEP does not allow asphalt within 100' of wetland. The plan is to have outdoor storage and a 10,000 square foot contractors' warehouse building with a 1,200 square foot mezzanine for an office on this site. There will be 14 parking spaces with a concrete pad around the building for ease of access in through overhead doors and loading areas. Landscaping is proposed around the building buffering between residential zones adjacent to the property. Because this is in the IOC zone which abuts a residential zone there is an additional 15' buffer setback so the building and outside storage have been moved outside of that area and there is proposed to be additional plantings to what is on the site at the present time. The septic system will be in the rear of the property away from the building. Proposed boulders 3' in diameter 25' on center are proposed to delineate the wetland buffers continuing through the driveway and between the water quality swale for stormwater management and the on-site wetlands. A tree removal survey within the limits of disturbance was done and there was an area past the residential parcel is also noted as part of the project. There will also be a 3' high boulder wall along the access drive entering the site. Mr. Wilhelm asked Mr. Walters if rocks were not used for a retaining wall if they could be higher than 3' high. Ms. LoGuidice asked if there are boulders stacked higher than 3' within the buffer setback if it would be permitted without a variance if its not retaining earth. Mr. Walters said that it would meet the code. Ms. LoGuidice said that she would consider including additional boulder placement along the top of the wall around the outside storage with grading on either side

to help with screening that may have been of concern. Infiltration systems will be installed down the hill from the building underneath the parking area. The septic system and well will be uphill on the property. As part of the erosion control measures, hay bales will be included on the bottom side of the silt fence in areas along/within the wetland buffer to assist in keeping the silt fence upright. After the lot line adjustment within the residential parcel there will be selective timber harvesting and not clear cutting. There will be 11 trees per acre to be harvested and will be roughly 47.6 acres after the lot line adjustment on the residential parcel. As part of that harvest there will need to be an area to load the trucks and allow them to exit the property. There will be a small area of limits of disturbance proposed where it enters the access road. A lighting plan on the building is proposed and it has not yet been determined if there will be lighting on the sign. Terry Bergendorf Collins provided a map showing the lot line adjustment. Ms. Axelson asked Ms. LoGuidice to go over the lot line revision and zoom into the drawing so the public could understand it better. Ms. LoGuidice noted that .8 acres will be conveyed from the larger residential parcel to the smaller IOC parcel. This project went before the ZBA because the existing residential and commercial zone line run along the property line and a variance was granted (copy attached) to permit the IOC uses within the residential zone in that area and allow the extension of the IOC regulations. Correspondence from the DEP pertaining to the asphalt millings coming off of North Horsepound Road (copy attached) was received. Therefore, waiver pertaining to allowing the asphalt millings would be requested. Correspondence from the Highway Superintendent was also submitted (copy attached) acknowledging that plans were acceptable and that a 4" thick layer of compacted asphalt would be provided using a 10 ton roller so it is compacted properly. Ms. Mangarillo asked if 50' or 100' of pervious road covering would be done. Ms. LoGuidice said that it was proposed throughout the driveway. Mr. Wilhelm asked if the driveway could be bonded because he was concerned about erosion. Ms. Mangarillo said that the erosion control bond would cover that. Mr. Barber said that the maintenance of the water quality swale requirements would be looked at which would satisfy Mr. Wilhelm's concerns. Mr. Barber said that often the DEC and DEP are not on the same page with respect to what is and is not impervious surfaces and that he had suggested to Ms. LoGuidice investigate any alternatives to be used rather than the asphalt millings. Ms. Mangarillo said that they had talked about doing the millings within the limiting distances and switch to asphalt outside of the limiting distances. Ms. LoGuidice said that she would have to wait to make that change until it was discussed with the person purchasing the property. The grading of the driveway was lowered from 10% to 9.5%. Mr. Barber said that the area at the bottom of the driveway below the entrance of water to the water quality swale was where the wetlands were and asked what would be used in that location. Ms. LoGuidice said that she had submitted material to the DEC pertaining to their Freshwater Wetland Permit and had addressed all of their comments, but she would check back with them to ensure everything was in order. The only thing outstanding was a SEQRA determination by the Kent Planning Board. Mr. Barber asked if anything from the DEC had been received regarding stormwater management because the property is under 2 acres and DEP is not jurisdictional with their requirements, but Mr. Barber wondered where the DEC dictated their requirements for the water quality swale. Ms. LoGuidice said that they have not received comments from the DEC for the Lead Agency disbursement yet. Ms. LoGuidice said that it is a permitted use as far as water quality in the NYS Design Manual for Stormwater Management. Mr. Barber asked if it was a requirement of one of the regulatory agencies to construct the swale where it is. Ms. LoGuidice said she thought the information was in the SWPPP submitted. Ms. Mangarillo said when a SWPPP was developed there are many choices as to what management practices would be used and the engineer determined what practices to use and it was decided to construct a water quality swale. All of the driveway runs downhill towards the wetlands and it needs to be caught somewhere, and Ms. Mangarillo said that she didn't believe that anyone suggested that the applicant must put the swale in the wetland buffer. Mr. Barber asked what the acreage or square feet of disturbance on a site for the DEC to require stormwater management measures above and beyond erosion control plan because there was only going to be 1.97 acres, including the residential property, to be disturbed on this project. Ms. Mangarillo said it was 1 acre in the East of Hudson Watershed.

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Ms. Mangarillo said that there had to be post construction stormwater management on this property, so the applicant's engineer proposed to install a water quality swale at the bottom of the property and a water infiltration system at the top of the property. Ms. LoGuidice said that floor plans and architectural drawings had been submitted, which would be revised, to show the Board a general flavor of what is anticipated on this project and renderings with paint samples would be provided for the next meeting.

Ms. Axelson, Planning Consultant of CPL, had some comments. A number of revisions and plans had been submitted. There was a site visit conducted on October 7th and another on October 8th had been conducted. Boundaries and limits of disturbance were flagged and there was a large line around the site where a structure, driveway, septic or grading would be constructed. All other areas outside of that area would not be disturbed. The purpose was to determine whether or not supplemental plantings would be necessary to serve as a buffer. Ms. Axelson said that she felt that there was sufficient vegetation and a change in grade in the areas of concern on this property.

Mr. Barber agreed with Ms. Axelson that the areas along the building and driveway up from North Horsepound Road to the north had massive rock outcroppings, vegetation, ledge and topographic changes. Therefore it was not necessary to add additional vegetation or fencing to provide aesthetic and noise attenuation. There was discussion about the driveway's proximity to the property line and there was substantial vegetation and topographic changes there as well going into the residential site. The recommendation to the Planning Board was that no additional vegetation or fencing would be needed in the areas of concern. Mr. Carey said that he recalled during the site visit that additional vegetation would be needed to better delineate the property line. Ms. Mangarillo said she felt that additional plantings would be needed along the driveway towards the property line. Ms. LoGuidice said that they planned on doing that and also would be constructing a stone wall 3' in height. Mr. Wilhelm said he thought additional plantings in the front of the building towards Gappy's Restaurant on North Horsepound Road would be beneficial. Ms. LoGuidice said some of the plants to be installed on the property were Rhododendron, White Spruce, Wintergreen and Red Dogwood trees. Mr. Barber suggested that some screening be done to the east of the infiltration structure and near the parking area to the elevation of 726.5 to block the building from the road. Ms. LoGuidice said she'd review that with the applicant. Mr. Gattucci said that the building would be a metal structure (approximately 28' high) and said that he didn't feel it would be an eyesore. Mr. Barber said that the building would be in a flat area and there is topography to the right and left and it would not be visible to the neighboring property. Mr. Conklin said that he didn't believe he would not see the structure, especially in the winter time. Ms. Axelson suggested that this discussion be continued after the Public Hearing was opened and public comments were addressed.

Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Curt Fuchs, 174 Churchill Road, Carmel, who owns the adjoining property to the west. Mr. Fuchs asked what the solid line in the bottom left hand side of the drawing which went across the driveway was. Ms. LoGuidice said it was the property. Mr. Fuchs stated that the plan was to cross his property. Mr. Wilhelm stated that this was town property and not Mr. Fuch's property. Mr. Esposito said that this discussion had occurred previously and surveys were done proving that Mr. Fuch's property was not being encroached upon. Mr. Carey said that there is a right-of-way shown on the map. Mr. Wilhelm said that survey pins on the property showed where Mr. Fuch's property was delineated from Mr. Esposito's property. Ms. Axelson asked to see an area map, but Ms. Mangarillo and Ms. LoGuidice said that area maps are not always helpful. Ms. LoGuidice said that deeds have been looked at to verify ownership. Mr. Fuchs said that he had been paying taxes on this property for more than 20 years. Mr. Carey asked that Mr. Fuchs provide a copy of his survey and Mr. Fuchs said that the survey was provided previously and a copy of an updated survey had been provided but he would drop it off again. Mr. Esposito said he also had copies of the surveys in question and would provide it for the next meeting. Mr. Conklin, who resides at 16 Peckslip Road, Kent, New York, asked to be heard. Mr. Conklin said that it is already difficult to navigate this narrow, windy road and when the trucks start going in and out of the property it will be horrendous. Ms. LoGuidice said that the harvester will be required to exit the lot and take a right and not go onto Churchill Road and go north to the Dutchess County line. Mr. Esposito confirmed that the Highway Superintendent mandated that the loggers may not make a left turn out of the property on Peckslip and will exit and enter the property going north on Peckslip Road to the Dutchess County line. Mr. Conklin's house is two lots up from this property and the trucks will go past his house. People also walk on this road and it will also be a safety hazard. There will be a temporary driveway for the timber harvest. He also had concerns about the lighting on the building. Ms. LoGuidice said that the lights would not be installed around the entire building and would not affect his property. Mr. Fuchs said that he had discussed the timber harvest with the Highway Superintendent, who felt that the roads would have to be repaved after this project was done. Mr. Fuchs also said that there was a big boulder along the road on a corner of Peckslip Road and a blind turn and cars speed on the road. Ms. LoGuidice said that there was adequate site distance exiting the property. Ms. Axelson referred to OP-1 and asked Ms. LoGuidice to explain it. Ms. LoGuidice said that the plan showed what would be the timber harvest and the access road onto Peckslip Road which ultimately ends up at the Dutchess County line and then to Route 52. Ms. LoGuidice said that there will not be more than 11 trucks per day going in and out of the property per day and they will be light industrial vehicles. Mr. Barber suggested that a long-form rather than a short-form EAF might be more applicable for this site. Mr. Wilhelm mentioned that a simple traffic study would be helpful. Mr. Fuchs said that an impact study should be done on the turn he mentioned earlier because it is a dangerous part. Mr. Fuchs said that he felt there were many other industrial lots that could be used rather than this property. Ms. Axelson said that this was an unlisted action and that a short-form EAF was adequate, but if there were specific issues they could be addressed in a narrative. Mr. Barber said that the substantive issue was to get the questions asked quantified and responded to. Mr. Esposito found the surveys he discussed earlier, which were for Curt and Sigrid Fuchs as well as one in the name of Edna and John Riley and he would supply them to the Planning Board. Mr. Esposito advised Mr. Fuchs that he never intended to go onto his property and he never will, he wants to cooperate with the neighbors and not fight with them. Ms. Axelson said that she felt that large metal buildings were used frequently and could be very nice. This building had a green roof and the siding was proposed to be beige and she suggested that a more muted color would allow it to blend in better. She recommended that this matter be held over until November in order to get responses from the concerned agencies and address the concerns raised at this meeting. An appointment should be scheduled for the next review meeting on 10/23/23. The November workshop will be held November 5, 2020 via zoom at 7:30 PM and the meeting would be November 12, 2020 via zoom at 7:30 PM. The agenda would be sent to Mr. Conklin.

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Mr. Tolmach asked for a motion to adjourn this Public Hearing to November 12, 2020 at 7:30 PM. Mr. Wilhelm made the motion and it was seconded by Mr. Gattucci. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **Annunziata, Smalley Corners Rd., Kent, NY; TM. 21.-1-11**

Mr. Jack Karell represented Mr. Annunziata. This project pertained to 1.88-acre parcel of land which had Board of Health approval for a septic system in 2006 and perk tests were redone in 2017. Mr. Karell said he received comments from the consultants (attached) and realized he had not submitted the profile sheet and had emailed it to Ms. Mangarillo and Mr. Barber the day of this meeting. The driveway is the maximum slope of 9.3% and complies with the town's regulations. Most of the comments were detail oriented and an updated survey was requested. Because the property had not been touched since the survey was done in 1987 Mr. Karell said he because the BOH and DEP had accepted that survey. Mr. Karell said that there is an intermittent drainage course in the front of the property which runs to the adjacent property which they intend to go over with the driveway and pipe. The DEP has inspected the property as part of the septic approval because they have jurisdiction over the septic and they've characterized it as an intermittent drainage course and not a watercourse. The consultants suggested that a site walk may be helpful and he agreed with them.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that the Mr. & Mrs. Marinelli had a similar problem pertaining to their survey (from 1984) and when the survey was updated there happened to be some differenced which were minor and worked out, which was why the Planning Board requested an updated survey and topo map for this property. Ms. Mangarillo pointed out that, according to an aerial map, there was a house and some other items on the property next door and it looked like there may be some encroachments, and, therefore they needed to show within 50' from the property line if there is anything going on there. Mr. Karell said the adjacent driveway is shown on the site plan and it is approximately 80' from the property line and it goes up so that property would not be impacted. Also, if there were any changes made to Smalley Corners Road. Ms. Mangarillo asked if Mr. Annunziata had recently purchased this property and Mr. Karell said he wasn't sure, but would verify that with him. There were some things missing from the application, which needed to be submitted, and a copy of the deed was requested. More information pertaining to the crossing of the intermittent drainage course was also requested.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the applicant had requested a waiver for a tree survey and that he would be checking that out at the same time he looked at the intermittent drainage course on the site walk along with Ms. Mangarillo and Mr. Karell. After the site walk he would make his recommendation to the Planning Board as to whether or not the waiver of the survey should be granted. Much of the driveway appeared to be constructed on steep slopes and the indicated soil on the site pursuant to the NRCS consists of rock outcroppings and ledge associated with this type of soil, therefore a determination needed to be made as to whether blasting or rock chipping would be required to get the driveway in and make other improvements. There is proposed to be 34,100 square feet (or $\frac{3}{4}$ of an acre) in the limits of disturbance. Mr. Barber didn't see Board of Health approvals for the septic and well and asked if they had expired. Mr. Karell said that they had recently been renewed and Mr. Barber requested copies of them. Mr. Barber asked if the applicant was part of a corporation (VMS Pizzeria) and if he was documentation would need to be submitted from the Corporation authorizing Mr. Annunziata to proceed with this project. Mr. Barber asked that Mr. Karell submit a short-form EAF and some plan notes. Mr. Karell said he would meet the consultants at the site when a convenient time is agreed to.

Mr. Tolmach asked if the Board needed to take any action pertaining to this project and Mr. Barber said that no action by the Planning Board was required at this time.

- **O'Mara, Nimham Road, Kent, NY; TM: 10.20-1-1**

Ms. Mangarillo's Comments (memo attached)

This was a request that an erosion control bond be released pertaining to the construction of a single-family house on this property, which was completed in 2019, but the erosion control permit was never closed out. Ms. Mangarillo inspected the property in July and Mr. Barber went out in August and both felt the property was stabilized. Mr. O'Mara requested that his bond be returned, however the code states that it should be held for two years after completion of the project, which would be July of 2020. Ms. Mangarillo said that the Planning Board has occasionally released the bonds in a year, rather than 2 years. Ms. Mangarillo said that Mr. Walters had submitted pictures of this property taken in May 7, 2019 which showed that the property was stabilized and that plantings had survived the winter. Ms. Mangarillo inspected the property in July and Mr. Barber inspected it in August and both agreed that the property was stabilized and the Notice of Termination was signed. Ms. Mangarillo recommended to the Planning Board that the bond in the amount of \$6,765.00 be returned either in part or the full amount and forwarded to the Town Board for them to approve or deny.

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Mr. Tolmach asked for a motion to return the erosion control bond in the amount of \$6,765.00 to Mr. O'Mara. The motion was made by Mr. Carey and seconded by Mr. Lowes. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **GADF LLC, 1088 Route 52, Kent, NY; TM: 12.17-1-9**

Ms. Axelson advised the Board that she mentioned at the October workshop that GADF needed to have a Public Hearing set and she spoke to Bill Walters to make sure it was appropriate. A memo dated 9/16/20 was sent (copy attached) stating that a site plan review should be submitted because there was no site plan on record and that the site had been in use for many years and that, since this was a slight change-of-use, it would memorialize it. Ms. Axelson recommended that the Planning Board schedule a Public Hearing for November, declare this project a Type II Action under SEQRA - which would not require SEQRA Review, make a 239 LMN referral to the Putnam County Planning Department. Ms. Axelson has also advised Mr. Mazzotta of what is being done pertaining to his property and he said he would send a revised submittal in.

Mr. Tolmach asked for a motion to take the above mentioned actions. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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Permit Applications Updates (Applicants attendance not required/Workshop Discussion):

- Vitiello
475 Pudding Street, Kent, NY
TM: 31,-1-32

This is on an Administrative track and Board of Health approvals were delivered to the Planning Board. Ms. Mangarillo will issue an Application Completeness Review on October 9th and Mr. Barber will do his shortly and after this is done this project will be ready to have the Chairman sign the plans submitted and they will then be distributed.

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|--|--------------------------------|---------------|
| <ul style="list-style-type: none"> NYCDEP Bailey Brook Forest Management Project
Nimham Rd. & Cole Shears Ct., Kent, NY
TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81 | Erosion Control/Timber Harvest | Status Report |
|--|--------------------------------|---------------|

Awaiting the Wetland Permit document.

- Sun Property
3 Westwood Dr., Kent, NY
TM: 19.12-1-20

Ms. Mangarillo spoke to the applicant's engineer on October 7, 2020 and they are continuing to work on the application and revising the drawings.

- | | | |
|---|--|---------------|
| <ul style="list-style-type: none"> Putnam Nursing & Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan/
Wetland Permit/Bond Estimate | Status Report |
|---|--|---------------|

Ms. Axelson said that Jeff Battistoni informed Putnam Nursing Home that they had to file some tax documents and when that was done she would file a sign-off letter.

- | | | |
|---|-------|---------------|
| <ul style="list-style-type: none"> Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
|---|-------|---------------|

Ms. Axelson said she had an email before the workshop and months ago there was a meeting and a memo memorializing the discussion was sent March 24, 2020. A request was made asking for information about what was now proposed so it could be examined and a determination could be made as to whether or not the Planning Board needed to do anything to amend any actions taken during the environmental review. The response from Mr. Caruso ignored all the off-line consultations and recommendations from the Consultants. Ms. Axelson sent a memo to Ms. Mangarillo, Mr. Battistoni and Mr. Barber for feedback from them.

- | | | |
|---|--------------|---------------|
| Rodriguez Property
104 Smalley Corners Rd., Kent, NY
TM: 21.-1-10 | Sub-Division | Status Report |
|---|--------------|---------------|

The Planning Board secretary reached out to the applicant and advised them that they need to replenish the escrow and submit new drawings to move ahead.

**Town of Kent Planning Board Minutes
October 8, 2020**

- | | | |
|---|-----------------------|---------------|
| • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan/ | Status Report |
|---|-----------------------|---------------|

Nothing new. Need escrow from Mr. Raneri.

- | | | |
|--|--|---------------|
| • Gierer (Cargain) Property
43 Marie Road, Kent, NY 10512
TM: 22.-1-42 | Erosion Control Plan/
Bond Recommendation
Withdrawal pending | Status Report |
|--|--|---------------|

Withdrawal letter not received. A letter was sent but there was no response.

- | | | |
|---|---|---------------|
| • DiSanza Property
381 Ludingtonville Rd., Holmes, NY
TM: 12.-3-63 & 64 | Erosion Control Plan/
Wetland Permit | Status Report |
|---|---|---------------|

This project is still working its way through the Kent Courts. Mr. Walters said the hearing scheduled for last week was cancelled due to a death in the Town's attorney's family and it was rescheduled for November.

- | | | |
|---|----------------------|---------------|
| • Cabrera Property
126 Hortontown Road, Kent, NY
TM: 19.-1-35 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Waiting for an update. Sent another email asking the status of this project.

Mr. Tolmach asked for a motion to adjourn the October 8, 2020 meeting at 10:00 for the Board to go into executive session.

The motion was made by Mr. Wilhelm and seconded by Mr. Sachakov. The roll call votes were as follows:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried

The Board returned from Executive session at 10:30 and no votes or actions were taken in the executive session.

Town of Kent Planning Board Minutes
October 8, 2020

Mr. Tolmach asked for a motion to close the executive session at 10:30 and the motion was made by Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Tolmach asked for a motion to close the meeting at 10:35 and the motion was made by Mr. Lowes and seconded by Mr. Carey. The roll call votes were as follows:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,

Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

OCTOBER 2020
KENT PLANNING BOARD FINAL AGENDA

Workshop: October 01, 2020 (Thursday, 7:30 PM) Via Zoom

Meeting: October 08, 2020 (Thursday, 7:30 PM) Via Zoom

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent Planning Board will be holding its regularly scheduled monthly workshop on Thursday, October 1, 2020 and the monthly meeting on Thursday, October 8, 2020 at 7:30 p.m. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

Town of Kent, N.Y. is inviting you to a scheduled Zoom meeting.

Topic: Town of Kent, N.Y. Planning Board Work Session

Time: Octoer 8 2020 07:30 PM Eastern Time (US and Canada)

Topic: Town of Kent, N.Y. Planning Board Meeting

Time: October 8, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5877083251>

Meeting ID: 587 708 3251

One tap mobile

+19292056099,,5877083251# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 587 708 3251

Find your local number: <https://us02web.zoom.us/u/kH6X5CXoW>

OCTOBER AGENDA

- | | | |
|--|--|--------|
| <ul style="list-style-type: none"> • Approve Planning Board Minutes from September 10, 2020 | | |
| <ul style="list-style-type: none"> • Fregosi/Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan
Public Hearing
(Continued) | Review |
| <ul style="list-style-type: none"> • Kent Development - Commercial Lot & Timber Harvest
N. Horsepound & Peckslip Rds., Kent, NY
TM: 12.-1-38 & 42 | Site Plan/Steep Slopes/
Freshwater Wetlands Permit &
Lot Line Adjustment | Review |
| <ul style="list-style-type: none"> • Annunziata
Smalley Corners Rd., Kent
TM. 21.-1-11 | Erosion Control Plan | Review |
| <ul style="list-style-type: none"> • O'Mara
Nimham Road, Kent, NY
TM: 10.20-1-1 | Request Erosion Control Bond
Be returned | Review |

Permit Applications Updates (Applicants attendance not required/Workshop Discussion):

- | | | |
|--|--|---------------|
| <ul style="list-style-type: none"> • Vitiello
475 Pudding Street, Kent, NY
TM: 31.-1-32 | Erosion Control Plan | Status Report |
| <ul style="list-style-type: none"> • NYCDEP Bailey Brook
Forest Management Project
Nimham Rd. & Cole Shears Ct., Kent, NY
TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81 | Erosion Control/Timber Harvest | Status Report |
| <ul style="list-style-type: none"> • Sun Property
3 Westwood Dr., Kent, NY
TM: 19.12-1-20 | Erosion Control Plan | Status Report |
| <ul style="list-style-type: none"> • Putnam Nursing &
Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan/
Wetland Permit/Bond Estimate | Status Report |
| <ul style="list-style-type: none"> • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |

**Town of Kent Planning Board Minutes
October 8, 2020**

• Rodriguez Property 104 Smalley Corners Rd., Kent, NY TM: 21.-1-10	Sub-Division	Status Report
• Raneri Property Hillside Paper Rd., Kent,, NY TM: 44.24-1-3	Erosion Control Plan/	Status Report
• Gierer (Cargain) Property 43 Marie Road, Kent, NY 10512 TM: 22.-1-42	Erosion Control Plan/ Bond Recommendation Withdrawal pending	Status Report
• DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64	Erosion Control Plan/ Wetland Permit	Status Report
• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35	Erosion Control Plan	Status Report



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: jmangarillo@rsaengrs.com

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Plan

Date: October 7, 2020

Project: Marinelli
Miller Hill Woods Ct
TM # 10.-1-17

The following materials were submitted via email & reviewed:

- Combined Application Form, signed by Marc Marinelli, dated 9/13/2020, including:
 - Site Plan Checklist dated 9/13/2020, Agricultural Data Statement, signed 9/22/2020
- Putnam County Department of Health Permit to Construct a water well, issued 1/24/2019
- Putnam County Department of Health Construction Permit for Sewage Treatment System, issued 1/24/2019
- Notice of Intent (NOI), signed 10/1/2020 by Marc Marinelli
- Erosion control estimate prepared by Fregosi Landscaping Inc., dated 10/5/2020
- Deed
- Drawing prepared by Roy Fredriksen, PE "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 1 of 2, dated 12/3/2018, revised 9/20/2020
- Drawing prepared by Roy A. Fredriksen, PE, "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 2 of 2, dated 8/19/2020, revised 9/20/2020
- Boundary & Topographic Survey of Property Known as Lot 4 'Miller Hill Woods,' prepared by Baxter Land Surveying, P.C., revised 10/7/2019

The project proposes construction of a single family house with well, septic, and driveway. The lot is a flag lot with frontage on Miller Hill Road, but will derive access from a shared driveway from Miller Hill Woods Ct. Previous questions regarding potentially historic structures have been answered with a "No adverse impact" letter from NYS OPRHP dated July 18, 2019. No protections of the structures are required.

New or supplementary comments are shown in **bold**.

See below for additional history/background regarding remaining comments and administrative comments.

Here is a summary of remaining and new comments:

1. Provide Certification of Professional Engineer affidavit.
2. On the SWPPP drawing, Sheet 1 of 2, Note #4 – Remove reference to updated topo from Baxter survey dated 10/7/2019. The topo shown on the SWPPP drawing is only from 1984. The wetland boundary and 100 foot adjacent area may have been updated from the 2019 survey, but the topo was not.
3. Per §66-6.B.2.g[5], provide a time frame for each step in the “Construction Sequence” on the SWPPP drawing. It can be a number of days, weeks or months for each step.
4. Provide clearer information on the drawings for future homeowners to operate, maintain and inspect the catchbasins and dry wells.
5. We defer to the Planning Board’s environmental consultant regarding wetland issues and request for tree survey waiver.
6. Provide a catchbasin at the intersection of the pipe from the CB at the end of the driveway with the “ldr & ftg drains” pipe. Indicate drainage pipe sizes and slopes on the drawing.
7. An erosion control bond estimate of \$12,650.00 was prepared by Fregosi Landscaping, Inc., dated 10/5/2020. We recommend this amount be accepted for the bond amount and recommended for approval by the Town Board.
8. Provide written responses with future submittals.

History/Background of Remaining Comments and Comments Completed since last review:

The following comments are provided for the Planning Board’s consideration from a memo dated January 9, 2019:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. - **Acknowledged.**
2. Refer to Combined Application Form
 - a. Page 3, #14 – Provide copy of the deed. Currently Putnam County Image Mate Online shows the property is owned by Doria. It is acknowledged that there is a delay for the Putnam County website to show new sales. – **Item Complete.**
 - b. Provide required affidavits, including Disclosure of Business Interest.
 - i. **10/7/2020** – Additional affidavits have been submitted. The only affidavit not received is the **Certification of Professional Engineer**. Provide the Certification of Professional Engineer.
3. Provide approvals from Putnam County Department of Health for well and septic.
 - a. **10/7/2020 – Item Complete**
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.e – Provide “a soils and slopes map ...

- i. 4/3/2020 - Source of soils information has been provided. Source of topographic base map is provided as Baxter Land Surveying, dated 3/25/2019, rev 10/7/2019. However, the topo on the Stormwater Pollution Prevention Plan drawing still appears to show the topo from 1984. Updated information from the revised survey, such as the location and grading of the shared driveway and existing structures are not shown on the Stormwater Pollution Prevention Plan drawing. Update the drawing to reflect current information provided in the updated survey.
- ii. 9/9/2020 - The Stormwater Pollution Prevention Plan drawing still appears to show the outdated 1984 topo instead of the new 2019 survey topo. This is most apparent for the location and grading of the shared driveway and existing structures that are not shown on the Stormwater Pollution Prevention Plan drawing. Update the Stormwater Pollution Prevention Plan drawing to reflect current information provided in the updated 2019 survey.
- iii. **10/7/2020** – Per discussion at the 9/10/2020 Planning Board meeting and in a follow-up email on 9/11/2020, the SWPPP drawing can remain “as is” with the following requirements:
 1. Revise Note #4 to state this topo is from 1984, not the 2019 updated survey. – **Note #4 still states updated topo from Baxter 2019. The wetland line and 100’ buffer may have been updated, but the topo was not.**
 2. Add a note referencing the updated Baxter survey and topo and make it part of the Erosion Control Permit Drawing set. - **Completed**
 3. Add notes to the SWPPP drawing indicating how to handle the existing structures on the property. – **Completed.**
- b. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall.”
 - i. [5] Include a **timetable and schedule** for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 1. 9/9/2020 - include “timetable and schedule” for the Construction Sequence.
 2. **10/7/2020** – Provide a **time frame** for each step in the “Construction Sequence.” It can be a number of days, weeks or months for each step.
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 1. **10/7/2020** – Erosion Control bond estimate provided.

6. Refer to the Notice of Intent (NOI).
 - f. 4/3/2020 - New comment: Putnam County Image Mate shows the property is owned by Marc and Brianna Marinelli. Owner/Operator information and signature to be updated with current owner information.
 - i. **10/7/2020 – Item Complete**
7. Refer to the Drawings:
 - e. Provide soil testing for dry well locations.
 - i. **10/7/2020 – Note added. Item Complete.**
 - g. Provide notes on operation, maintenance and inspection of catchbasins and dry wells for future homeowners.
 - i. 9/9/2020 - The response letter states "Catch basin and dry well maintenance inspections are provided on page 2 of the SWPPP".
Dry well has "clean yearly" under "Necessary to Maintain Function" and no information under "After approval of inspector".
Provide clearer information for future homeowners to operate, maintain and inspect the catchbasins and dry wells.
 - ii. **10/7/2020 - Provide clearer information for future homeowners to operate, maintain and inspect the catchbasins and dry wells.**
9. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. - **Acknowledged.**

10. We defer to the Planning Board's environmental consultant regarding wetland issues.

The following comments are provided for the Planning Board's consideration summarized from an email dated September 11, 2020:

1. Revise Note #4 to state this topo is from 1984. Add a note referencing the updated survey & topography for more current information. The Baxter survey will become part of the Erosion Control Permit drawing set along with the 2 drawings prepared by Roy Fredriksen, P.E. – **See above regarding Note #4.**
2. Add notes to the drawing indicating what will be done with the existing structures. – **Item Complete.**


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
19-261-999-164

Bruce Barber via email
Liz Axelson via email

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 18th day of JANUARY, 2019,

BETWEEN KENNETH DORA and DONNA DORIA
921 Hickory Pointe Ln. 235 Leetown Road
Maynardville TN 37807 Stormville, NY 12382

party of the first part, and MARC MARINELLI and BRIANNA MARINELLI, husband & wife
1003 Somerset Knoll
Brewster NY 10509

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN DOLLARS AND

OTHER VALUEABLE CONSIDERATION -----dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

Being and intended to be the same premises conveyed to the grantees
herein by deed dated November 27, 1985 and recorded on December 6, 1986
in the Putnam County Clerk's Office in Liber 875 at page 54.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all
the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the
premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of
the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the
first part will receive the consideration for this conveyance and will hold the right to receive such consideration
as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same
first to the payment of the cost of the improvement before using any part of the total of the same for any other
purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so
requires.

IN WITNESS WHEREOF the party of the first part has duly executed this deed the day and year first above

FIDELITY NATIONAL TITLE INSURANCE COMPANY

Title Number: **FLT-39777**

SCHEDULE A DESCRIPTION OF PREMISES

ALL that certain plot piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam, State of New York, being known and designated as Lot No. 4 on a certain map entitled, "Subdivision Plat of Miller Hill Woods", dated March 29, 1984, last revised October 8, 1984 and filed in the Putnam County Clerk's Office on October 10, 1984 as Map #1996.

TOGETHER WITH and subject to a right of way for purposes of ingress and egress in common with others over "common drives" as shown on the aforesaid filed map #1996 to and from Miller Hill Road, as said Common Drive Type B runs within the westerly lines of title; and subject to rights of others to maintain and repair said common drives.

TOGETHER WITH the right in common with others for the use and enjoyment of the pond to be located in the vicinity of Lot #3, 4, 5, 6, and 7; said right to be in common with the owners of the aforesaid lots; and further subject to the burden to share in common with the owners of Lot #3, 4, 5, 6 and 7, the cost of maintaining, repairing and improving said pond. This right of obligation shall continue as an appurtenant and continuing burden of the premises. Together with an easement in favor lot Lot #3 over the extreme N.E. corner of said premises in a course North 84 degrees 03 minutes 55 seconds West 456.85 feet for access to and from the pond existing and as the same may be located in the area of the N.E. sections of Lot #7, 6, 5, 4 and 3, as shown on the Filed Map #1996; said pond to be enjoyed and maintained in common with the owners of the aforesaid lots.

TOGETHER WITH an easement over lot #4 for the benefit of lot #3 to maintain the N.Y. State Gas & Electric Corp. power junction box located in the vicinity of the extreme northwest corner of lot #4.

FOR INFORMATION ONLY: Said premises being more commonly known and designated by the street address Miller Hill Woods, Lot 4, Kent, NY; tax map Section 10, Block 1, Lot 17.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of PUTNAM

ss:

State of New York, County of

ss:

On the 18th day of January in the year 2019
before me, the undersigned, personally appeared

DONNA DORIA

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Brian E. Carlin

(signature and office of individual taking acknowledgment)

NOTARY PUBLIC

BRIAN E. CARLIN

Notary Public, State of New York

No. 02CA5063646

Qualified in Putnam County

Commission Expires July 29, 2022

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of
TENNESSEE

ss:

On the 11th day of January in the year 2019 before me, the undersigned, personally appeared

KENNETH DORIA

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

2 Marysville TN
(insert the City or other political subdivision)

in 3 Union County TN
(and insert the State or Country or other place the acknowledgment was taken)

4 Delinda Cole
(signature and office of individual taking acknowledgment)

DISTRICT

SECTION 10

BLOCK 1

LOT 17

COUNTY OR TOWN OF KENT

STREET ADDRESS Miller Hill Road

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. Freedom Land Title FLT-39777


KENNETH DORIA AND DONNA DORIA
TO

Recorded at Request of
NEW YORK TITLE

MARC MARINELLI AND BRIANNA MARINELLI

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

RETURN BY MAIL TO:

	
Distributed By	
NEW YORK TITLE	
Research Corporation	
15 Fisher Lane	
White Plains, NY 10603	
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<u>Eric J. Aschard, Esq.</u>	
<u>RYDER, COSTELLO & CARLIN</u>	
<u>45 GLENEIDA AVE.</u>	
<u>PO BOX 150</u>	
<u>CARMEI NY 10512</u>	
<u>81 Main Street</u>	
<u>Suite 205</u>	
<u>White Plains, NY</u>	
<u>10601</u>	



Cornerstone Associates

Environmental Planning Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

October 8, 2020

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Kent Development Associates Application
North Horsepound and Peckslip Roads
Section 12 Block 1 Lots 38, 42
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

As per your request, I have reviewed the following pertinent documents submitted relative to the above referenced application:

1. Comment response memo dated 09/16/20 executed by John Watson of Insite Engineering, 8 pages.
2. Email from NYS Historic Preservation Office dated 09/04/20.
3. Letter from the Town of Kent Fire Inspector Office executed by Nicholas J. Cecere dated 09/08/20, 1 page.
4. Letter from the Town of Kent Highway Department executed by Richard T. Othmer, Jr., dated 09/08/20, 1 page.
5. Report prepared by Insite Engineering entitled; "Long-Term Stormwater Management Bond Estimate", 1 page.
6. Letter executed by Cynthia Garcia of NYCDEP dated 10/05/20, 2 pages.
7. Timber Harvest Report prepared by Jordan Heller (unsigned and undated).
8. Map entitled; "Lot Line Adjustment Map prepared for Kent Development Associates, LLC" prepared by Terry Bergendorff Collins, LS dated 09/03/20 1 sheet.
9. Report entitled; "Stormwater Pollution Prevention Plan" prepared by Insite Engineering dated 09/16/20 (rev.).
10. Plans entitled "Kent Development Associates & Timber Harvest" prepared by Insite Engineering dated 09/16/20 (rev.), 10 sheets: OP-1, SP-1, SP-2, SP-3, SP-4, LP-1, D-1, D-2, D-3, SS-1

1: Project Summary:

The applicant proposes a lot line adjustment in which 0.837+/- acres will be conveyed from parcel 12-1-38 (residentially zoned parcel on Peckslip Road) to parcel 12-1-42 (IOC zoned North Horsepound Road parcel).

In addition, the applicant proposes to construct a commercial building, driveway, parking area, stormwater management, exterior lighting, well and septic system on parcel 12-1-42 which is located on the northerly side of Baptist Church and North Horsepound Road.

Additionally, the applicant proposes to conduct a logging operation on the Adjoining residential property (see comments in March 6, 2020 memo prepared by this office).

2: Environmental Questions Relative to Zoning:

Landscaping/screening is proposed along northern property border adjacent to the proposed building. The Planning Board will be conducting a site inspection to review existing vegetation on the site in order to determine if additional screening/noise attenuation is necessary adjacent to the adjoining residential properties (See 77-26(A)(1) of the Town Code). It is recommended that a revised plan as/if required be submitted and that the limits of disturbance in this area be marked in the field by large boulders such as the wetland buffer is proposed to be marked. The Board may consider a deed restriction to ensure that viable vegetation is not cut/pruned in this area and that the screening is maintained (dead/diseased vegetation replaced). The Board may request the applicant should provide a cost estimate (labor and materials) of the final approved plantings for bonding purposes.

The applicant has not maintained the entire tree corridor-along Horsepound Road (See 77-26(A)(8) of the Town Code) and has requested a waiver to such requirement due to the need to locate the driveway curb cut outside the wetlands to the degree possible.

3.: Environmental and Cultural Resource Comments:

Wetlands: The proposed action will disturb a Town of Kent regulated wetland buffer (18,920 square feet of disturbance) and therefore a wetland permit is required (See 39A-5(B, D and F) of the Town of Kent Town Code.

Review of the above referenced Stormwater Pollution Prevention Plan reveals changes in pre and post construction flow patterns to the wetlands as well as the construction of proposed infiltration structures. These changes may result in a change to the wetland hydroperiods resulting in loss of wetland area and/or functions. The applicant has not provided a hydrological analysis to determine if there will be a substantial change in wetland water budgets and the adequacy of adjoining infrastructure (See 39A-9(A)(5 and 6) of the Town of Kent Town Code.

The applicant has provided mitigation plantings in the area of the proposed water quality swale and in certain locations at the edge of the wetland buffer boundary. The applicant has not provided a functional analysis of the existing wetland buffer area to be impacted due to the proposed development and how the proposed mitigation will replicate the functional aspects of this to be developed area (See Chapter 39A-8(C)(5) of the Town of Kent Town Code).

The applicant has proposed millings be utilized as the permanent driveway surface (see Plan Sheet SP-1, General Note #7). It is understood that NYCDEP requires a pervious surface be installed in all areas within 100' of a jurisdictional perennial watercourse. There is question about the long-term stability of millings and the potential of this material to run-off into the adjoining wetland and wetland buffer area. The millings could potentially act as a "sediment load" which would clog the wetlands and obstruct infrastructure. In addition, the introduction of the asphalt millings to the wetland and

wetland buffer could result in pollutant (chemical) loading into the wetlands resulting in impacts to drinking water supply and wildlife/habitat. It is recommended that the applicant review alternatives to millings and provide information that the choice of material will comply with code requirements (See 39A-5(D) of the Town of Kent Town Code).

It is unclear how driveway run-off below the water quality swale will be addressed relative to the wetlands and town road.

Please note that the Planning Board may require a bond for the wetland mitigation including proposed plantings (See Section 39A-9(A) of the Town of Kent Town Code).

A New York State Department of Environmental Conservation (NYSDEC) wetland permit is pending. Approval from the New York City Department of Environmental Protection (NYCDEP) is pending.

Trees: The timber management plan indicates harvesting to the property borders of the residentially zoned property. It is recommended that a minimum buffer of 10' be maintained along all property borders in which tree harvesting will not occur. The applicant will be required to follow NYCDEP requirements as per the above referenced letter.

Plan Sheet SP-1 General Note #8 is unclear regarding the adequacy of the vegetative buffer between the IOC zoned site improvements and the residential properties. It is the function of the Planning Board to determine the landscape screening plan in this location. A site inspection accordingly will be conducted to determine the landscape /screening plan.

It appears that trees within the wetland (as per soils) and wetland buffer area on the residential parcel are proposed to be cut (see LeB and Sm soils on NRCS map) as per the shaded area (Plan Sheet OP-1). Please advise.

The tree harvest report should be signed and dated. Requirements of the NYCDEP should be incorporated into the tree harvest plan.

Soils: Soils map has been provided. Indicate all soils defined as wetland soils in Chapter 39A of the Town Code on the map as wetlands and provide 100' wetland buffers as applicable (See Note above). Indicate that tree harvesting will not occur in wetland areas as indicated.

Well/Septic Systems: Approvals from PCDOH are pending.

4: Additional Comments:

1. Provide a wetland and wetland buffer analysis and mitigation plan to address all unavoidable impacts (See above comments).
2. Provide a cost estimate (labor and materials) to plant and maintain wetland mitigation plantings for bonding purposes. Please provide inspection and maintenance plan (including invasive species removal).

3. Please confirm that all trees proposed to be cut have been adequately identified in the field with markings/tape.

The applicant is requested to provide annotated responses to the above questions. This office will conduct further review upon receipt of additional information provided by the applicant.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', with a stylized, cursive-like script.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Site Plan, Lot Line Adjustment Erosion Control Permit Wetland Permit
Date:	October 6, 2020	Project:	Kent Development Associates – IOC Property & Timber Harvest TM # 12.-1-38 & 42

The following materials were reviewed:

- Refer to Appendix A for list.

The project proposes construction of a commercial building in IOC zone in addition to the open application for Town of Kent Erosion Control Permit for timber harvest.

New or supplementary comments are shown in **bold**.

The following comments are provided for the Planning Board's consideration from a memo dated August 12, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management. - **acknowledged**

7. Refer to the Drawings:

- b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.

- i. 9/9/2020: The response letter requests a waiver from §57-26.A(5)(c). The applicant wishes to provide the as-built survey of the driveway prior to issuance of certificate of occupancy instead of issuance of building permit.

The driveway will need to be rough graded in order to achieve the elevations necessary for the other site improvements and building. Having the driveway rough graded at the start of construction is also beneficial for access by the construction crew, delivery vehicles and emergency vehicles if needed.

The requirement for the driveway as-built is first included in §57-23 "Driveway permit prerequisite to issuance of building permit".

§57-26.A(5)(c) calls for "upon completion of grading and placement of subbase material, and prior to final paving, the applicant's New York State licensed land surveyor shall provide to the Town an as-built survey depicting the actual grades and dimensions to which the driveway has been constructed. Such as-built survey shall accompany the application for issuance of a building permit for construction of on-site improvements."

With the tight construction envelope, between property lines, steep slopes, wetlands and associated buffers, it is in the applicant's interest to ensure grades and elevations are correct early in the construction schedule. Providing the driveway as-built survey at the time of issuance of Certificate of Occupancy is too late in the construction process.

At this time, we do not believe there is sufficient justification to delay the as-built of the driveway until the issuance of the certificate of occupancy. We recommend the driveway as-built be provided prior to issuance of building permit as required by Code.

10/6/2020: The applicant's representatives have requested a waiver to provide the driveway as-built at time of the issuance of the Foundation Permit. This request will have to be evaluated by the Building Inspector and Planning Board.

- g. Consult with the NYS Fire Code to ensure the proposed driveway is wide enough and provides an acceptable fire truck turnaround.
 - i. **A letter has been provided by Nicholas Cecere, Kent Fire Inspector stating "I am satisfied that the emergency access and maneuverability for fire apparatus has been achieved." Provide the fire truck turning plan with the drawing set.**
- h. Consult with the Town of Kent Fire Inspector regarding the need for sprinklers.
 - i. **A letter has been provided by Nicholas Cecere, Kent Fire Inspector, stating "Once an occupant has been determined, the need for a fire sprinkler system will need to be addressed and no occupancy of this building can take place without the decision of the Town Fire Inspector and Building Inspector on whether or not fire sprinklers would be required." Provide a note on the drawings stating the need for sprinklers will be determined prior to issuance of Certificate of Occupancy in consultation with the Town of Kent Fire Inspector and Building Inspector.**
- 11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. – **Acknowledged.**

The following comments are provided for the Planning Board's consideration from a memo dated September 9, 2020:

- 4. Refer to drawing SP-3, "Construction Sequence".

- c. Include the duration of each step, as required per §66-6.B.2.g[5].
 - i. **An overall time frame of 8 months is provided. Provide a time frame for each step in the construction sequence.**

New Comments:

1. The revise the SWPPP to remove the reference to timber harvest on the IOC parcel on the 1st page, Section 1.1.
2. The applicant is proposing the use of asphalt millings for the driveway surface instead of asphalt pavement. This is not an approved surface per the Town of Kent driveway code, Chapter 55. Per note #7 on Drawing SP-1 NYCDEP requires a pervious surface within the 100 foot adjacent area of the wetland. Provide a letter or other documentation from NYCDEP requiring the pervious surface and accepting asphalt millings as a pervious surface allowed in a wetland buffer.
 - a. Consider alternative pervious driveway surfaces within the 100 ft wetland buffer that may contribute less sediment/particulates to the wetland.
 - b. For the driveway beyond the 100 foot wetland buffer, consider traditional asphalt pavement due to the steep slope of the driveway and the potential for the millings to be washed into the stormwater management area or into the wetlands.
 - c. A letter has been provided by Richard Othmer, Jr, Town of Kent Highway Superintendent dated September 8, 2020, accepting the alternative pavement of asphalt millings. The Planning Board will ultimately have to grant a waiver for alternative driving surface that is not included in the Code.
3. Specify areas of vegetated slope steeper than 3:1 on the grading and/or EC plan and call out use of erosion control matting in accordance with Erosion & Sediment Control Note #9 on drawing SP-3.
4. Is any type of fence or driveway gate proposed? Any future fence or driveway gate installation will have to avoid the wetland & associated buffer. Future property owners or tenants should be made aware that a gate cannot be installed near the bottom of the driveway due to the wetlands.
5. An erosion control bond estimate of \$9,183.00 was provided. A long-term stormwater management bond estimate of \$78,800 was provided in this submittal. These will be evaluated as the project moves further along in the review process.

We trust the comments are useful in your review. Please let us know if we can be of additional assistance.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-209-02

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Kent Development Associates-Commercial Lot & Timber Harvest Project, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 16, 2020.
2. Town of Kent Planning Board Site Plan Checklist-Kent Development Associates, Inc., dated June 10, 2020 last revised July 15, 2020.
3. Long Term Stormwater Management Bond Estimate-Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020.
4. Timber Harvest Report -Kent Development Assoc. Inc., prepared by Jordan Heller, Forester for Greene Lumber Co. LP for Quality Forestry Managements.
5. Town of Kent Highway Department Memorandum-Commercial Driveway North Horsepound Road Millings Request dated September 8, 2020.
6. Letter to Insite Engineering from Town of Kent Fire Inspector Office, dated September 8, 2020.
7. Emails from New York State Parks CRIS Application to Jamie LoGiudice, RLASHPO Requested Submission Accepted Consultation Project: 20PR05434.
8. Stormwater Pollution Prevention Plan-Kent Development Associates prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020.
9. Drawing-Lot Line Adjustment Map-Kent Development Associates, Inc. prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated February 11, 2020 last revised September 3, 2020 scale 1"=60'.
10. Drawing SS-1-Steep Slopes & Soils Map- Kent Development Associates & Timber Harvest prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised September 16, 2020 scale 1"=40'.
11. Drawing OP-1-Overall Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised September 16, 2020 scale 1"=100'.
12. Drawing SP-1-Layout & Landscape Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 19, 2018 last revised September 16, 2020 scale As Noted.
13. Drawing SP-2-Grading, Drainage & Utilities Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised September 16, 2020 scale 1"=40'.

14. Drawing SP-3-Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised September 16, 2020 scale 1"=40'.
15. Drawing SP-4-Timber Harvest Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 scale 1"=100'.
16. Drawing LP-1-Lighting Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised September 16, 2020 scale 1"=30'.
17. Drawing D-1-Details -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised September 16, 2020 scale As Noted.
18. Drawing D-2-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised September 16, 2020 scale As Noted.
19. Drawing D-3-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 scale As Noted.
20. Letter from NYSOPRHP, dated September 22, 2020, received via email 9/23/2020



October 5, 2020

Ms. Vera Patterson, Town Clerk
Town of Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

Incent Sapienza P.E.
Commissioner

Re: Notice of Intent to be Lead Agency
Kent Development Associates
Town of Kent; Putnam County, NY
Tax Map #: 12.-1:38 & 12.-1:42
DEP Log#: 2020-MB-0298-SQ.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
rush@dep.nyc.gov

65 Columbus Avenue
Alhalla, NY 10595

(845) 340-7800
(845) 334-7175

Dear Ms. Patterson and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Kent Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above-referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the Middle Branch Reservoir drainage basin of New York City's Water Supply. Middle Branch Reservoir is phosphorous restricted; therefore, water quality impacts to the receiving reservoir from pollutant-laden runoff must be avoided or mitigated.

The proposed action involves the construction of an 11,200 sq. ft. commercial building with associated parking, to be served by a private on-site water supply well and subsurface sewage treatment system. The action also involves a lot line adjustment and timber harvesting on 45 acres.

DEP's status as an involved agency stems from its review and approval authority for the subsurface treatment system (SSTS) pursuant to Section 18-38 of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations) and the Delegation Agreement with the Putnam County Department of Health (PCDH).

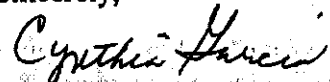
Based upon the review of the submitted documents, DEP respectfully submits the following comments for the Board's consideration:

1. According to the EAF, it is estimated that the project will result in 1.97 acres of soil disturbance. The project site is located on slopes in greater than 15%. As such, the limits of disturbance should be shown on the site plans and include ground disturbing activities, such as permanent site improvements that may occur as a result of the timber harvest, so that DEP can verify whether the project will require DEP review and approval of a Stormwater Pollution Prevention Plan (SWPPP) pursuant to the Watershed Regulations.

2. Please note that construction of an impervious surface for a new road within limiting distance of 50 feet of an intermittent stream or wetland, or within the limiting distance of 100 feet of a perennial stream is prohibited, except for paving an existing dirt or gravel road or where necessary to provide an access road. Construction of an impervious surface for paving such existing or access road requires DEP review and approval of a SWPPP in accordance with Sections 18-39(a)(6)(ii) and 18-39(b)(4)(vii) of the Watershed Regulations. The proposed access road shall be constructed as far as practicable from all watercourses and wetlands.
3. A detailed plan for the tree harvesting operation should be provided. In addition, please clarify when the timber harvesting is to occur, and whether it will interfere with the construction activities planned for the development of the parcel. Also, specify the fate of the harvested trees. The EAF references a 'Forest Management Plan' that does not appear to be included with the circulated documents.
4. The project sponsor should implement all appropriate forestry best management practices to protect water quality as outlined in the 2018 edition of the New York State Forestry Best Management Practices Field Guide (Guide). In particular, the applicant should install waterbars based on skid trail slope at the spacing and in the method described on pages 95-96 of the Guide.
5. Install a gravel tracking pad of a minimum length of 50 feet at the entrance to the timber harvest to prevent the tracking of dirt onto public roads. If the surface of the access road is soft or wet, geotextile fabric should be placed under the gravel tracking pad.
6. Additionally, the plan specify the following activities: remove woody debris from the landing area, regrade the surface, seed with native seed, and mulch with straw at completion of the harvest.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: J. Petronella, NYSDEC Region 3
J. Paravati, P.E., PCDH
J. Contelmo, P.E., Insite Engineering



Cornerstone Associates

Environmental Planning Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

October 8, 2020

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Annunziata Application
Smalley Corner Road
Section 21 Block 1 Lot 11

Please be advised the following pertinent documents have been reviewed relative to the above referenced application:

1. Town of Kent Planning Board Application executed by Richard Annunziata dated 08/10/20.
2. Plans entitled; "VMS Pizza 1" prepared by John Karell, Jr., P.E., dated 08/08/20, 2 sheets: S-1, S-2.
3. Plan entitled "VMS Pizza 1" prepared by John Karell, Jr. P.E. dated 08/25/20, 1 sheet: EC-1.

Summary of Application:

Application is to construct a single-family residence with a driveway, well and septic systems and a driveway grade on a 3.449+/- acre parcel in an R-80 zoning district. The parcel size is 1.8+/- acres and is located in the R80 zoning district.

A: Environmental Review Comments:

Wetlands:

A site inspection will be conducted to determine if there are any Town of Kent jurisdictional wetland or wetland buffer areas within the e proposed limits of disturbance.

Trees:

The applicant has requested a tree survey waiver. This office will conduct a site inspection and make recommendation to the Planning Board.

Steep Slopes and Rock Outcrop:

Substantial driveway construction is proposed on indicated steep slopes. The indicated soils generally have substantial areas of rock cropping and ledge. Applicant should indicate if blasting or rock chipping will be required.

Land Disturbance:

The applicant proposes to disturb 34,100 square feet (0.72+/- acres) of land area. It appears that soil testing was last conducted on the site in 2006. Updated soil tests are recommended. Calculations regarding cut and fill have not been provided.

Well and Septic System: Applicant has indicated that well and septic system approvals from the Putnam County Department of Health have been obtained. Please provide documentation from the PCDOH.

Other:

- The property survey provided is dated from 1987. An updated survey and topographical map are recommended.
- Applicant has not provided a copy of a deed.
- If the applicant is a corporation, a letter from the corporation must be provided authorizing Mr., Annunziata as the applicant.
- A short-form (Part I) EAF should be submitted.
- A plan note should be added which indicates that trees shall be cut only between November 1 and March 31 of the following year.
- There does not appear to be any proposed stormwater treatment for proposed impervious surface areas.
- Substantial areas of the driveway appear to be constructed on steep slopes. A driveway profile has not been provided.
- The applicant has indicated that the lot frontage and lot width do not comply with zoning requirements and that they are pre-existing non-conforming conditions. Verification from the Town Building Inspector is required.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Plan

Date: October 7, 2020

Project: Annunziata – Smalley Corners Rd
TM # 21.-1-11

The following materials were reviewed:

- Town of Kent Combined Application Form, signed 8/10/2020
 - Including Owner's affidavit, Disclosure of Business Interest, Agricultural Data Statement, Site Plan Checklist
- Drawings prepared by John Karell, Jr., P.E., for "VMS Pizza 1, LLC" including:
 - S-1 Site & Erosion Control Plan (SSTS Trench Plan), revised 8/8/2020
 - EC-1 Erosion Control & Steep Slope Details/Notes, dated 8/25/2020
- Drawings prepared by John Karell, Jr., P.E., for "Mele" including:
 - S-2 Steep Slope & Existing Conditions Plans, revised 8/8/2020

The project proposes construction of a single family home, well, septic and driveway. The lot has pre-existing, non-conforming dimensions for minimum lot width and minimum road frontage. Information provided indicates the lot has Putnam County Health Department approval for well and septic, but copies of current permits have not been provided.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.
2. Refer to Combined Application Form:
 - a. 1st page (12) - Site Plan approval is not required. Remove "x". Provide name and address of Record Owner or indicate if same as applicant. Provide total square footage of all new construction. Provide estimated value of new construction.
 - b. 2nd page (13) -- Complete response to #9. Provide a copy of the current deed per item #14.
 - c. 4th page (15) -- Date of boundary and topo used for base map is noted as January 15, 1987. Provide updated survey and topography. This is particularly important for where the lot meets Smalley Corners Road, the noted "intermittent drainage ditch" and adjacent properties within a minimum of 50 feet of the

property line. Also provide information on the other side of Smalley Corners Rd. Based on aerial photos, there do not appear to be any driveways in proximity on the other side of the road, but this is to be confirmed.

- d. Provide Certification of Professional Engineer.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.b – Provide "existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet beyond the limits of the proposed area of disturbance, or greater than 50 feet if determined necessary by the Planning Board Engineer..."
 - i. **Provide updated survey and topography, particularly where the lot meets the road and a minimum of 50 feet from the property line into the adjacent parcel. The adjacent parcel may have had additional development since 1987. Also provide updated topography for the "intermittent drainage ditch".**
 - b. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map."
 - i. **Drawing S-2 shows "shaded area 15% or greater slope". State if there are areas steeper than 25%. Areas steeper than 25% are to be shaded or highlighted separately than those areas of 15-25% slope. Provide date and source of soils information on the drawing.**
 - c. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
 - i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 1. **"Construction Method and Sequence" is provided on drawing EC-1. Provide timeframes for the individual steps.**
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:
 - a. Part III.B.1.a – “Background information about the scope of the project, including the location, type and size of project;”
 - i. **Provide improved Vicinity Map to locate the property. Provide information on adjoining parcels, such as owner name, tax map number and/or street address.**
 - b. Part III.B.1.c – “A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);”
 - i. **Provide the HSG for the soils noted on drawing S-2.**
 - c. Part III.B.1.h – “The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;”
 - i. **Provide details for stabilized construction entrance, stabilized soil stockpiles, concrete truck washout, riprap at outlet of footing & leader drain and for the “intermittent drainage ditch” crossing. Be sure to include these items in the “Erosion and Sediment Control Maintenance Schedule” on drawing EC-1.**
 - d. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;”
 - i. **Provide this information.**
 - e. The Applicant and Applicant’s design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP or on the drawings.
 - f. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
6. Provide a Notice of Intent (NOI) for review.
7. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
8. Refer to the Drawings:
 - a. On S-1 and EC-1: Under the “Town of Kent Planning Board - Steep Slope and Erosion Control Notes,”
 - i. A.1 replace “one (1) or more acres” with “5,000 or more square feet”
 - ii. C replace “GP-02-01” or “GP-0-10-001” with the current “GP-0-20-001.”

- b. On S-1 and EC-1: Under "Town of Kent Standards for Private and Common Driveways" update notes to match current standards in the Town Code, Chapter 57, Article II "Driveway Specifications".
 - c. Provide a driveway profile and cross-section details in conformance with Town Code Chapter 57.
 - d. Indicate how runoff from the driveway will be handled before it reaches Smalley's Corners Road.
 - e. Provide an as-built of the driveway, including centerline profile, prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
 - f. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."
 - g. Silt fence is shown outside the limits of disturbance. Extend the limits of disturbance to include the silt fence.
 - h. Provide additional information on the "intermittent drainage ditch" crossing.
 - i. Drawing EC-1, "General Notes" #2 – The area of disturbance is not consistent with the area of disturbance labeled on drawing S-1.
 - j. The outlet for the footing and leader drain appears to be discharging at the steepest part of the parcel. Relocate outlet to avoid discharging in the steep area.
9. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
10. Provide copies of Health Department permits.
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
12. We defer to the Planning Board's environmental consultant regarding wetland issues and tree survey waiver request.
13. A site visit will need to be conducted. Indicate if the parcel is currently marked with a "Coldwell Banker For Sale" sign.

As further information is provided, additional comments may be offered. We trust the comments are useful in your review. Please let us know if we can be of additional assistance.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-999-171

Bruce Barber via email
Liz Axelson via email

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

Memorandum

DATE: September 15, 2020

TO: Finance Department

CC: richannunziata@aol.com
Jack4911@aol.com

FROM: Vera Patterson

RE: Smalley Corners Rd. Project
TM: 21.-1-11

This is a new project for a single-family residence at the property noted above. Please open a new account.

Thanks very much.

Attached is backup material and the following checks:

Trustco Bank Check #152 dated 8/27/20 ifor an Erosion Control Permit	\$ 500.00
Trustco Baml Check #153 dated 8/27/20 for review fees	\$ 1,000.00

VMS PIZZA I LLC / Annunziata

50-91/213

152

DATE 8-27-20

PAY TO
THE ORDER OF

Town of

\$500.00

DOLLARS

Security Features
Printed on Back**TRUSTCO**
BANK
Your Home Town Bank

TM: 21-1-11

MEMO Erosion Control

⑆02⑆3009⑆2⑆

34200⑆5⑆

0152

SPECIALTY BLUE

VMS PIZZA I LLC / Annunziata

50-91/213

153

DATE 8-27-20

PAY TO
THE ORDER OF

Town of

\$1,000

DOLLARS

Security Features
Printed on Back**TRUSTCO**
BANK
Your Home Town Bank

MEMO Review Fee TM: 21-1-11

⑆02⑆3009⑆2⑆

34200⑆5⑆

0153

SPECIALTY BLUE

RECEIPT

DATE Sept. 15, 2020

No. 537107

RECEIVED FROM R. Annunziata

\$500.00

Five Hundred and 00/100

DOLLARS

FOR RENT Erosion Control - TM: 21-1-11

OR

ACCOUNT	
PAYMENT	
BAL. DUE	

- ☐ CASH
☒ CHECK
☐ MONEY ORDER
☐ CREDIT CARD

152 Trustco

FROM V. Patterson

TO R. Annunziata

BY

3-11

RECEIPT

DATE Sept. 15, 2020

No. 537108

RECEIVED FROM R. Annunziata

\$1,000.00

One Thousand and 00/100

DOLLARS

FOR RENT Rev. Fee TM: 21-1-11

OR

ACCOUNT	
PAYMENT	
BAL. DUE	

- ☐ CASH
☒ CHECK
☐ MONEY ORDER
☐ CREDIT CARD

153 Trustco

FROM V. Patterson

TO R. Annunziata

BY

3-11

Annunziata Property 21.-1-11
Date

		Deposits	Fees	Balance
09/15/20	Trusto Ck. 152 - EC	500.00		0.00
09/15/20	Trusto Ck. 153 - Review/Escrow	1,000.00		1,000.00

Town of Kent Planning Board
Combined Application Form

Received
mo/c

AUG 28 2020

APPROVAL REQUESTED FOR: (Check all that apply)

Planning Department
Town of Kent

Sketch Plan (subdivision)

Final Subdivision

Site Plan

Freshwater Wetland

Change of Use

Preliminary Subdivision

Lot Line Change

Conditional Use Permit

Steep Slope & Erosion Ctrl

X

X

Name of Project: ANNUNZIATA

HOUSE CONSTRUCTION

Description of Proposed Activity: CONSTRUCTION OF A SINGLE FAMILY
HOUSE, DRIVEWAY, SEPTIC SYSTEM & WELL.

Name of Applicant(s): RICHARD ANNUNZIATA

Address: 77 AUSTIN ROAD, MAHOPAC, NY, 10541

Telephone: 914-447-5902

Name and Address of Record Owner(s):

Tax Map Number of all parcels: 21-1-11 - Smalley Corners Rd.
R-80

A) For All Applications:

1) Total acreage involved in application: 1.8 AC

2) Total contiguous acreage controlled by applicant/owner (1): none

3) Total number of existing structures: none

4) Type of existing structures: —

5) Total square footage of all new construction:

6) Estimated value of new construction or addition:

7) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential X

Commercial

Institutional

Expansion: Residential

Commercial

Institutional

Home Occupation:

Change in use:

Other:

8) Zoning District: R80

1) Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.

9) Does applicant intend to request any information waivers?

No _____ Yes X If yes, please list all waivers (attach separate pages if necessary):

TREE PLAN - PROPERTY IS 1.8 AC with a total area
of disturbance of _____ ACRES

10) Are there agricultural and/or forestry exemptions affecting the property?

No X Yes _____ If yes, please list in detail (attach separate pages if necessary):

11) Have any area or use variances affecting the property been granted?

No X Yes _____ If yes, please list in detail (attach separate pages if necessary):

12) Have any permits affecting the property been issued by any other governmental agency?

No _____ Yes X If yes, please list in detail (attach separate pages if necessary):

PC HEALTH DEPT SEPTIC AND WELL

13) Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency?

No X Yes _____ If yes, please list in detail (attach separate pages if necessary):

14) Attach a copy of the current deed and any easements affecting the property.

Name and Address of Professional Engineer: JOHN KARELL, JR., P.E., 121 CUSHMAN
ROAD, PATTERSON, NY, 12563

Telephone:

845-721-0455

Name and Address of Licensed Land Surveyor: DAVID ODELL, L.S.

123 CUSHMAN ROAD, PATTERSON, NY, 125

Telephone:

914-469-5749

Name and Address of Attorney: _____

Telephone: _____

Name and Address of Wetland Consultant: _____

Telephone: _____

B) For Subdivision and Lot Line Change Applications Only: N/A

- 1) Total number of lots proposed: _____
- 2) What is the size of the smallest lot proposed? _____
- 3) What is the size of the largest lot proposed? _____
- 4) Number of private driveways proposed: _____
- 5) Number of common driveways proposed: _____
- 6) Maximum number of lots serviced by a common driveway: _____
- 7) Number of private roads proposed: _____
- 8) Number of lots serviced by a private road: _____
- 9) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure: acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes _____ No _____. If no, state the number of sections to be filed _____.

C) For Freshwater Wetland Permit Applications Only: N/A

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) The survey map shall show the location of the all federal, state, and local jurisdictional wetland boundaries as delineated by the applicant's consultant, and the location of proposed disturbance to wetlands and wetland buffers. The survey map shall also show the location of all regulated water bodies on the site and within 200 feet of the boundary of the site.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

- 4) Proposed activity is located in:
 - a) Lake/pond [_____] Control area of lake/pond [_____]
 - b) Stream/River/Brook [_____] Control area of stream/river/brook [_____]
 - c) Wetland [_____] Control area of wetland [_____]
 - d) Not located in wetland/wetland buffer [_____]
- 5) Attach a description of the proposed activity in the controlled area including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.
- 6) Attach a statement of compliance with §39A-8 of the Town Code.

D) For Steep Slopes and Erosion Control Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) Does the project involve any of the following:
 - a) Any disturbance involving 5,000 square feet or more of land? Yes ☒ No ☐
 - b) Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours?
Yes ☒ No ☐
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

JANUARY 15, 1987 FROM ORIGINAL SUBD. MAP BY CASH/N

- 4) Refer to Chapter 66 of the Town Code for the application requirements.

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Kent; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: _____

Print Name: _____

Date: _____

Richard Annunziata (V.M.S. PIZZAZZ LLC)
August 10, 2020

AFFIDAVIT TO BE COMPLETED BY OWNER

State of _____ }

} ss:

County of _____ }

Richard Annunziato being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Subdivision /Lot Line Change / Site Plan / Conditional Use Permit / Change in Use / Freshwater Wetland / Steep Slope and Erosion Control approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize JOHN KARELL, JR. PE to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
5. That I/we understand that I/we, and our contractors shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with the approved application. I/we acknowledge that approval of the site plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, and their authorized representatives and designees, to enter the property for the purposes of inspection for compliance with the approved application, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that approval of the application and the commencement of work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.
6. That I/we understand that the Town of Kent Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Richard Annunziato
Applicant/Owner Applicant/Owner

Laura M Chipps
Notary Public



DISCLOSURE OF BUSINESS INTEREST

State of _____ }

} ss:

County of _____ }

Richard Annunziata

being duly sworn, deposes and says:

1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual interest in the proposed project: (Insert name, home address and municipal position held. Attach additional pages as necessary.)

none

2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

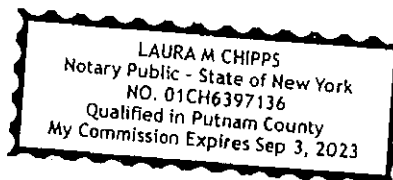
none

3. That he/she understands that the Town of Kent Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.

Agent/Owner

Notary Public

Agent/Owner



Town of Kent Planning Board
Agricultural Data Statement

In accordance with §283-a of the New York State Town Law and §305-a of the Agriculture and Markets Law, this Data Statement will be used to evaluate the potential impacts of a proposed development on farm operations in agricultural districts.

Name of Applicant(s): Richard Amunziata (V.M.S PIZZA LLC)
Address: 77 Austin Road Mahopac NY 10541
Telephone: 914-447-5902
Description of the Project: construction of a single family house, driveway
septic system and well

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan (subdivision) _____ Preliminary Subdivision _____

Final Subdivision _____ Lot Line Revision _____

Site Plan X Conditional Use Permit _____

Project Location: SMALLEY'S CORNER ROAD

Tax Map Number of all parcels: 26-1-11

Is any portion of the project site currently being farmed? NO

Is the project site located in an Agricultural District? Yes _____ No X

Who is farming the site? _____

Does the person farming the site: Rent N/A Own u/y the land?

Attach a list of the names and addresses of the owners of land within an agricultural district containing a farm operation located within 500 feet of the boundary of the project property, and the tax parcel number of the farm parcels. Attach a copy of the tax map and indicate with an "X" the farm parcels within 500 feet of the project property.

I hereby confirm that the information provided herein is true and accurate.

Signature of Applicant:  Date: 8/10/2020

TOWN OF KENT PLANNING BOARD

SITE PLAN CHECKLIST

APPLICANT NAME: RICHARD ANNUNZIATA - VMS PIZZA I, LLC

ADDRESS: 77 AUSTIN ROAD, MAHOPAC, NY, 10541

CONTACT TELEPHONE NUMBER: 914 - 447 - 5902

TM: 21 - 1 - 11

The following preliminary information must be included on the site plan. Please either check box as completed or indicate N/A (not applicable).

1. ☒ The dimensions of all property lines
2. ☒ Identify scale used
3. ☒ Name of all adjacent roads and driveway location
4. ☐ Sight distances if new curb cut is requested
5. ☐ Easements for utilities including overhead
6. ☒ All existing structures (including pools) shown and labeled as to their use and the distance from proposed structure and property lines
7. ☒ Distance from the proposed structure to ALL property lines
8. ☒ Completed bulk zoning table
9. ☒ Location of any wetland, stream, lake or body of water within 100 feet of the property line.
10. ☒ Location of septic system (including 100% expansion area)
11. ☒ Location of well head
12. ☒ Pre and post-construction topography (grading plan)
13. ☒ Total limit of disturbance line
14. ☒ Area(s) of disturbance where slopes are greater than 15%
15. ☒ Total area of disturbance calculation (in square feet)
16. ☒ Erosion and sediment control plan (if area of disturbance is greater than 5,000 square feet)
17. ☐ Cost estimate (breakdown) to implement erosion and sediment control plan
18. ☒ KNOX box system (if commercial property)

Check list completed by:

JOHN KARELL, JR., PE
(Print or type name here)

ENGINEER
(Print or type Title here)

[Signature]
(Signature)

8/10/2020
(Date)

DO NOT WRITE BELOW THIS LINE (OFFICIAL USE)

Plans Date Stamped: _____ Reviewer: _____ Date: _____

Notes: _____

TOWN OF KENT, NEW YORK



Cornerstone Associates

Environmental Planning Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

September 11, 2020

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: O'Mara
Ninham Road
Section 10.20 Block 1 Lot 1

Please be advised that a site inspection was conducted at the above referenced property on August 13, 2020. Inspection revealed that the rain garden plant substitutions are adequate and further modification is not required

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Cert. Ecologist
Town of Kent Environmental Consultant

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Erosion Control— Permit Close-out
Date:	September 11, 2020	Project:	OMara ECP – Nimham Rd TM #10.20-1-1

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

As described in a memo dated August 10, 2020, a stabilization inspection was conducted for this project on July 23, 2020.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and Town of Kent Town Code Chapter 66.

2. Rain Garden

One of the features included in the approval to manage erosion control long-term was a rain garden. The approved drawings had a planting list of shrubs, including winterberry, arrowwood and red-osier dogwood, as well as herbaceous plants of cinnamon fern, woolgrass and New England aster.

While the rain garden appeared to be fully stabilized, we could not determine if the specified plants were present. It appeared as though the vegetative cover was mowed grass.

We defer to the Planning Board's Environmental Consultant, Bruce Barber, to determine if the rain garden as it is satisfies the requirements of the approved plan.

Bruce Barber issued a memo dated September 11, 2020, stating "...rain garden plant substitutions are adequate and further modification is not required."

3. Notice of Termination (NOT):

Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-15-002 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

A NYSDEC Notice of Termination (NOT) form was submitted by the applicant to the Town. The 'Qualified Professional' signed the NOT to fulfill the requirements of §66-6.K(5).

The Notice of Termination with MS4 sign-off is attached hereto.

4. Erosion Control Bond:

Per Chapter 86, §86-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

The date of final acceptance is as of 7/23/2020 inspection. The two-year waiting period began on 7/23/2020.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

We have received photographs from William Walters, Building Inspector from May 7, 2019. The site is shown as generally stabilized. The Planning Board may wish to consider releasing part or all of the erosion control bond at this time.

The erosion control bond is \$6,765.00.

Please let us know if you have any questions. Thank you.


Julia S. Mangarillo, P.E., CPESC

Attachment: Notice of Termination with MS4 Acceptance.

cc: Planning Board via email
William Walters via email
Bruce Barber via email
04-261-999-83

Fw: O'Mara Nimham Road, TM 10.20-1-1 - Permit Close-out DEC NOT

Planning Kent <planningkent@townofkentny.gov>

Tue 9/15/2020 8:50 AM

To: Kent Planning Board 2020 <kentplanningboard2019@townofkentny.gov>; Kent Planning Board Consultants 2020 <kentplanningboardconsultants2019@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>

Cc: Jamie McGlasson <jmcglasson@townofkentny.gov>; Christopher Ruthven <cruthven@townofkentny.gov>

3 attachments (261 KB)

2020-09-11 Permit Closeout_OMara TM 10.20-1-1 Nimham Rd.pdf; 463 Nimham Road D.E.C. - N.O.T._MS4.pdf; kent-o'mara ninham 9-11-20.doc;

As Julie recommended, I'm filing this material and placing this matter on the October 2020 agenda for a bond reduction or release.

Vera Patterson
Town of Kent
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov
845-225-7802 (T)
845-306-5283 (F)

From: jmangarillo@rsaengrs.com <jmangarillo@rsaengrs.com>

Sent: Friday, September 11, 2020 5:32 PM

To: Planning Kent <planningkent@townofkentny.gov>; barberbruce@yahoo.com <barberbruce@yahoo.com>; Building Inspector <buildinginspector@townofkentny.gov>; bestscapes@hotmail.com <bestscapes@hotmail.com>

Cc: 'john karell' <jack4911@yahoo.com>; Patrick O'Mara <omara_associates@yahoo.com>; omararealty@yahoo.com <omarealty@yahoo.com>

Subject: O'Mara Nimham Road, TM 10.20-1-1 - Permit Close-out DEC NOT

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

For the O'Mara project on Nimham Road, TM 10.20-1-1, please see the following attached documents:

1. Memo prepared by Bruce Barber, dated 9/11/2020
2. Memo regarding Erosion Control Permit, dated 9/11/2020
3. Notice of Termination (NOT) with MS4 sign-off.

Vera, please circulate to the Planning Board members. Please be sure a hardcopy of the attached documents is added to the project file. The Planning Board may want to put this on the October agenda for possible bond reduction or bond release.

Bill Walters – Please print out and keep a copy of the attached documents in the project file. Please include with 2020 MS4 stormwater documentation.

Mr. O'Mara– It is up to you to mail the NOT to NYSDEC. I don't believe the NYSDEC requires original signatures. However, if you would like the hardcopy with original signatures, please let me know to arrange mailing of the original NOT.

Please let me know if you have any questions.

Thank you,

Julie

Julie S. Mangarillo, P.E., CPESC
Rohde, Soyka & Andrews Consulting Engineers, P.C.
40 Garden Street, Poughkeepsie, NY 12601
845-452-7515 (phone)
845-452-8335 (fax)



New York State Department of Environmental Conservation
Division of Water

625 Broadway, 4th Floor
Albany, New York 12233-3505

(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized
under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR 1 1 1 4 4 9

I. Owner or Operator Information

1. Owner/Operator Name: Genine Development Group LLC

2. Street Address: 73 Fairfield Dr.

3. City/State/Zip: PAHLYSON, NY 12563

4. Contact Person: Kelley O'Mara

4a. Telephone: 815-661-8780

5. Contact Person E-Mail: omara.kelley@yahoo.com

II. Project Site Information

5. Project/Site Name: OMARA Mt. Nimham Road House

6. Street Address: Mt. Nimham Rd (463 Nimham Rd)

7. City/Zip: Kent, NY 10512

8. County: Putnam

III. Reason for Termination

9a. ☒ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP.
*Date final stabilization completed (month/year): JULY 6, 2020

9b. ☐ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR _____
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. ☐ Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? ☐ yes ☒ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed?
☐ yes ☐ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? ☐ yes ☐ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- ☐ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- ☐ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- ☐ For post-construction stormwater management practices that are privately owned, the deed of record has been modified to include a deed covenant that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.
- ☐ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, college, university), or government agency or authority, policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? 211 (acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? ☒ yes ☐ no
(If Yes, complete section VI - "MS4 Acceptance" statement)

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10b., if applicable)

none

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name: John V. Anderson Jr.

Title/Position: Mayor of Kent Township, Board Engineer

Signature: [Signature]

Date: 9.11.2020

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the
SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: JOHN KARELL, JR., P.E.

Title/Position: ENGINEER P.E.# 53277

Signature: [Signature] Date: 07/06/2020

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: N/A

Title/Position:

Signature: _____ Date: _____

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name: Kelley O'Mara

Title/Position: member, LLC

Signature: [Signature] Date: 7-8-2020